

STATE OF NEW YORK
SUPREME COURT

COUNTY OF NIAGARA

HSBC BANK USA, N.A.,

-vs-

Plaintiff,

NOTICE TO DISCONTINUE ACTION

Index No. E150988/2013

SECTION: 59.06
BLOCK: 1
LOT: 19

WILLIAM T. SUITOR; JENNIFER R. SUITOR; AMERICAN EXPRESS BANK FSB; "JOHN DOE" AND "JANE DOE" said names being fictitious, it being the intention of the Plaintiff to designate any and all occupants of premises being foreclosed herein,

Defendants.

PROPERTY ADDRESS:
212 ELLIOTT STREET
YOUNGSTOWN, NY 14174

WHEREAS, no party to the above captioned action is an infant, incompetent person for whom a committee has been appointed or conservatee and no person not a party has an interest in the subject matter of the action.

The undersigned, being the attorney for the Plaintiff and the attorneys for all the defendants who have appeared or answered including those who have waived all notices and the defendants who have been served with process and have not appeared but whose time to answer has not expired and any defendants who have appeared in person, all consent that the above captioned action, and all causes of action alleged therein, may be discontinued, and any and all counterclaims and cross claims, may be dismissed and that the Notice of Pendency (lis pendens) in this action filed in the Office of the NIAGARA Clerk on September 5, 2013 be canceled and discharged of record due to the borrower entering into a loan modification agreement with Plaintiff. This case has not been submitted to the Court or jury.

The Clerk of NIAGARA County is directed to file/record this statement discontinuing action and canceling Lis Pendens without an order. CPLR Section 3217(a)(2).

Dated: January 5, 2015


CRAIG K. BEIDEMAN, ESQ.
Fein Such & Crane, LLP
Attorneys for Plaintiff
28 East Main Street, Suite 1800
Rochester, New York 14614
(585) 232-7400

STATE OF NEW YORK
SUPREME COURT

COUNTY OF NIAGARA

HSBC BANK USA, N.A.,

-vs-

Plaintiff,

WILLIAM T. SUITOR; JENNIFER R. SUITOR; AMERICAN
EXPRESS BANK FSB; "JOHN DOE" AND "JANE DOE" said
names being fictitious, it being the intention of the Plaintiff to
designate any and all occupants of premises being foreclosed
herein,

Defendants.

AFFIRMATION TO ACCOMPANY
NOTICE TO DISCONTINUE ACTION

Index No. E150988/2013

STATE OF NEW YORK)
COUNTY OF NIAGARA) ss:

CRAIG K. BEIDEMAN, ESQ. an attorney duly licensed to practice law in the State of New York, hereby affirms
under penalty of perjury pursuant to CPLR 2106 as follows:

- 1) I am one of the attorneys for Plaintiff and submit this affirmation in compliance with CPLR 6514 (d).
- 2) That the defendants were served and did not appear and/or their time to appear has expired.
- 3) That no other defendants, with the exception of those whose consent is annexed hereto, appeared and there was no opposition to the discontinuance of this action.
- 4) That the Lis Pendens herein is being canceled and discharged of record due to the borrower entering into a loan modification agreement with Plaintiff.

Dated: January 5, 2015


CRAIG K. BEIDEMAN, ESQ.

The undersigned, being the attorney for the Defendants, WILLIAM T. SUITOR AND JENNIE R. SUITOR, in this matter, consents to the discontinuance of the action, and the ~~dismissal~~ of any and all counterclaims and cross claims; and to cancel the Notice of Pendency of the action entitled: *discontinuance* *D2*

Re: HSBC BANK USA, N.A., v. SUITOR, et al.
Index No: E150988/2013
File No: FHSC708

Dated: 12/19/14

BY: 
Daniel Webster, Esq.
Legal Services for the Elderly
Attorney for *William T. Suitor*
and Jennifer R. Suitor
237 Main Street, Suite 1015
Buffalo, NY 14203-2717

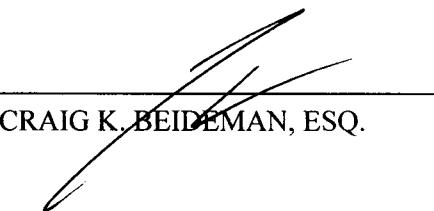
FEIN, SUCH & CRANE, LLP
Attorneys for the Plaintiff
28 East Main Street, Suite 1800
Rochester, NY 14614
Telephone: (585) 232-7400

CRAIG K. BEIDEMAN, ESQ. an attorney duly licensed to practice in the State of New York, certifies with regard to the following papers and/or documents:

- NOTICE OF APPEARANCE IN MORTGAGE FORECLOSURE
- NOTICE OF APPEARANCE & WAIVER IN MORTGAGE FORECLOSURE
- AFFIRMATION OF NO ANSWER & THAT NOTICE OF PENDENCY HAS BEEN FILED
- SUPPLEMENTAL AFFIDAVIT (AFFIDAVIT OF TENANCY)
- AFFIDAVITS IN SUPPORT OF THE MOTION FOR SUMMARY JUDGMENT
- AFFIDAVITS OF SERVICE
- NOTICE OF PENDENCY OF ACTION
- SUMMONS
- COMPLAINT
- ANSWER
- AFFIDAVIT IN OPPOSITION TO SUMMARY JUDGMENT
- REFEREE'S OATH & REPORT OF AMOUNT DUE
- REFEREE'S REPORT OF SALE
- AFFIDAVIT IN SUPPORT OF THE ORDER SUBSTITUTING THE REFEREE
- NOTICE OF FORECLOSURE & SALE
- MEMORANDUM & TERMS OF SALE
- ATTORNEY AFFIRMATION IN SUPPORT OF JUDGMENT OF FORECLOSURE & SALE
- ATTORNEY AFFIDAVIT IN SUPPORT OF JUDGMENT OF FORECLOSURE & SALE
- ORDER TO CANCEL LIS PENDENS AND VACATE JUDGMENT OF FORECLOSURE AND SALE
- NOTICE TO DISCONTINUE ACTION
- ORDER CONFIRMING REFEREE'S REPORT OF SALE
- AFFIDAVIT IN SUPPORT OF ORDER CONFIRMING REFEREE'S REPORT OF SALE
- AFFIDAVIT IN SUPPORT OF NOTICE OF MOTION FOR DEFICIENCY JUDGMENT
- FORBEARANCE AGREEMENT
- ATTORNEY AFFIRMATION IN SUPPORT OF ORDER FOR SERVICE BY PUBLICATION
- ATTORNEY AFFIRMATION OF REGULARITY IN SUPPORT OF JUDGMENT OF FORECLOSURE & SALE
- AFFIRMATION IN SUPPORT OF ORDER TO CANCEL LIS PENDENS AND VACATE JUDGMENT OF FORECLOSURE AND SALE
- AFFIRMATION TO ACCOMPANY NOTICE TO DISCONTINUE ACTION

that to his knowledge, information and belief, formed after an inquiry reasonable under the circumstances, the presentation of the paper or contentions therein are not frivolous as defined in subsection (C) of section 130-1.1 of the Rules of the Chief Administrator [22NYCRR 130-1.1 (C)].

Dated: January 5, 2015


CRAIG K. BEIDEMAN, ESQ.